

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

CHARLES H. HILL,

Petitioner,

vs.

JACK PALMER, *et al.*,

Respondents.

3:11-cv-00048-ECR-VPC

ORDER

This is a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 in which petitioner, a state prisoner, is proceeding *pro se*. On January 27, 2011, the court ordered petitioner to show cause why his petition should not be dismissed as untimely. (ECF No. 7.) After reviewing petitioner's response, and in light of petitioner's history of mental illness, the court appointed the Federal Public Defender for the District of Nevada (FPD) to represent petitioner. (ECF No. 20.) Subsequently, through counsel, petitioner filed a motion to voluntarily dismiss his petition based on the probabilities of overcoming the procedural and timeliness problems in this case. (ECF No. 30.) After that filing, petitioner filed several documents in *pro se* stating, among other things, that he did not wish to dismiss his petition, requesting that the court appoint counsel other than the FPD to represent him, requesting an evidentiary hearing, and requesting the production of documents. (ECF Nos. 31, 32, 33, 38.) On January 4, 2012, the court issued an order that, among other things, relieved the FPD as counsel, denied petitioner's request for alternate counsel, and allowed petitioner an opportunity to file *pro se* briefing to address the timeliness of his petition. (ECF No. 40.) Since that time, petitioner has submitted several motions.

Having reviewed the papers submitted by the parties, the court concludes that although an

1 evidentiary hearing does not appear warranted at this time, because of petitioner's representations that
2 he continues to suffer from periods of extreme mental illness, and in light of the potential complexities
3 of this case, the court *sua sponte* appoints alternate counsel to facilitate the full and fair adjudication of
4 this matter.

5 **IT IS THEREFORE ORDERED** that petitioner's motion for an evidentiary hearing (ECF No.
6 33) is **DENIED without prejudice**.

7 **IT IS FURTHER ORDERED** that Jeffrey S. Blanck, Esq., 485 West Fifth Street, Reno, NV,
8 89501, **is hereby APPOINTED** to represent the petitioner herein. Jeffrey S. Blanck, Esq., is a Criminal
9 Justice Act panel attorney for the United States District Court, District of Nevada. Mr. Blanck shall
10 represent petitioner in all future proceedings in this court relating to this matter (including subsequent
11 actions) and appeals therefrom, pursuant to 18. U.S.C. Section 3006A (a)(2)(B), until allowed to
12 withdraw. Counsel for respondents should make available to counsel for petitioner (photocopying costs
13 at the latter's expense), as soon as reasonably possible, a copy of whatever portions of the state court
14 record they possess regarding the judgment petitioner is challenging herein.

15 **IT IS FURTHER ORDERED** that CJA counsel for petitioner shall meet with petitioner as soon
16 as reasonably possible to: (a) review the procedures applicable in cases under 28 U.S.C. Section 2254;
17 (b) discuss and explore with petitioner, as fully as possible, the potential grounds for habeas corpus relief
18 in petitioner's case; and (c) advise petitioner that all possible grounds for habeas corpus relief must be
19 raised at this time and that the failure to do so will likely result in the omitted grounds being barred from
20 future review under the rules regarding abuse of writ.

21 **IT IS FURTHER ORDERED** that after Jeffrey S. Blanck, Esq. has appeared for petitioner in
22 this case, he shall file a response to the court's order to show cause issued January 27, 2011, **within (90)**
23 **ninety days** from the date of his appearance.

24 **IT IS FURTHER ORDERED** that respondents shall have **forty-five (45)** days from the date
25 of service of the response within which to file a reply.
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